

**MEMBERS PRESENT**

Peg Birney  
Brian Callahan, Alternate  
Thomas J. Knips, Acting Chairman  
Robert LaColla  
Robert Rahemba  
David Stenger

**MEMBERS ABSENT**

Sheila Lahey  
Shannon Lashlee, Alternate  
James H. Wick, Chairman

**OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
Maryann Johnson for J. Theodore Fink, AICP, Town Planning Consultant  
Scott L. Volkman, Esq., Town Planning Board Attorney  
Daniel Simone, P.E.  
William H. Povall III, P.E.

Thomas J. Knips, Acting Chairman called the meeting to order at 7:00 p.m. Mr. Knips appointed Mr. Callahan, Alternate Planning Board member, to substitute for Mrs. Lahey.

**REVIEW****WATERFRONT @ FISHKILL - PHASE V TOWNHOUSES  
SUBDIVISION & SITE DEVELOPMENT PLAN.**

Mr. Knips appointed Mrs. Birney, Acting Chairperson and recused himself from this discussion. Mr. Simone stated the preliminary public hearing was closed on August 11, 2005 and he is back before the Board this evening for further review and to request a Resolution of Preliminary Approval for the Site Development Plan.

Mr. Andrews stated he does not have written comments this evening, but has provided Mr. Simone with his red-line prints so that revisions can be made. Mr. Andrews stated the emergency access road now runs and connects to the Town Road which is inside Hudson View apartments, the first 300' is paved which leads to the swimming pool and the rest will be improved and heavily graveled. Mr. Andrew stated that this will ultimately connect to the other emergency access road which creates a complete loop. Mr. Andrews stated they have relocated the intersection and made it a four-way intersection. Mr. Andrews stated a member of the public raised an issue about the existing roadway to the wastewater facility and the fact that a road which is owned by the homeowners association is planned to be used as a roadway to the wastewater facility. Mr. Andrews stated an alternate roadway should be investigated by the Applicant.

Mr. Andrews stated Brockway Road is proposed to be a Town road and the units in this area are set back fairly close. Mr. Andrews stated when the Board did the apartments we maintained a 50' setback. Mr. Andrews stated this meets 50' all along the road except for three (3) units. Mr. Andrews stated that Mr. Simone has indicated that these three (3) units are a hold over from the original site plan. Mr. Andrews stated he does not remember what was decided originally as he was not here then. Mr. Andrews stated in terms of preparing for preliminary approval we need a drawing that shows the waiver for the units which was granted by this Board. Mr. Simone asked if the drawing is a condition of the approval; Mr. Andrews stated yes.

**REVIEW**  
**WATERFRONT @ FISHKILL - PHASE V TOWNHOUSES**  
**SUBDIVISION & SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Stenger asked if there is a problem moving the three (3) units. Mr. Simone stated a 25' setback was utilized from the edge of the road in the original plan, but now Brockway is going to be a Town Road and doesn't see an issue in moving them around.

Mrs. Johnson reviewed Mr. Fink's memorandum dated July 27, 2005 which was distributed to Mr. Simone and the Board on July 27, 2005.

Mr. Volkman stated we discussed at the June 9, 2005 meeting that a Town Wetlands Permit which was adopted by the Town in 2003, may possibly be required for this project. Mr. Volkman stated since this was part of a previous application and wetlands were dealt with at that time, this application is exempt from the Town Wetlands Permit. Mr. Andrews stated a jurisdictional determination was done as part of the original approval so this application is grandfathered in. Mr. Volkman stated this application is covered under both exemptions of the Town Wetlands Law.

Mr. Simone stated the Greenway Trail Easement that was shown on the original approved plan was 10' wide, dirt road with a 4' high white picket fence along the railroad tracks. Mr. Simone stated he wants to do something more than a dirt road and something more than a 4' high picket fence for safety reasons. Mr. Simone stated he doesn't want to put a fence up that would block the view of the river but it will need to be sturdy. Mr. Simone stated with the bridge application the MTA recommended a 6' high chain-link fence along the property. Mr. Andrews stated when we reviewed the Gap application, the GAP came through and their requirements were a 6' high chain-link fence, there is a 6' high chain-link fence which is black vinyl coated and the Gap alternated the landscaping along the fence so that you didn't see a long chain-link fence. Mr. Andrews stated we have the same situation along the Oasis property. Mr. Simone stated they can create some longer gaps and alternate the landscaping along the fence. Mr. Simone stated that they would like to at least put an asphalt ribbon path so that strollers can be utilized. Mr. Simone stated the availability of a limited number of public parking spaces in the original Findings Statement was mentioned. Mr. Simone stated we need to think about where we will be giving people access to the Greenway Trail as there are private roads. Mr. Andrews stated we have never dealt with this in a significant degree; the peninsula didn't have any form to it originally. Mr. Andrews stated there will be a pedestrian link from the marina to this greenway trail. Mr. Andrews stated he would think we need to encourage people to park along the park in the marina trail to access the greenway trail. Mr. Andrews stated the Town Board wants to maximize the number of public parking spaces at the marina.

Mrs. Birney stated she thought the bridge over the tracks had a larger pedestrian area. Mr. Simone stated it does.

Mr. Andrews stated the Greenway Trail runs around the Industrial Park, around Holly Ridge and comes out to the Kreisberg property and the Town owns about 2 acres of land where the old school building used to be, so the opportunity to have public parking does exist there. Mr. Andrews stated he is not sure what the easy answer is.

**FINAL**

**REVIEW**  
**WATERFRONT @ FISHKILL - PHASE V TOWNHOUSES**  
**SUBDIVISION & SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. LaColla asked how the obligation for public parking is defined. Mr. Simone and Mr. Andrew stated it is vague as there is no actual number of public parking spaces defined. Mrs. Birney asked what a limited number of public parking spaces would be. Mr. Andrews stated with some negotiation the Town would take the limited number of public parking spaces on the 2 acres of Town property.

Mr. Simone stated he will detail the Greenway Trail on the next set of plans with a black vinyl coated chain-link fence and will alternate the landscaping along the fence. Mr. Simone stated he will complete the trail on the River Crest side because it was not shown on those drawings.

Mr. Andrews stated the waivers that were granted were all internal but on the three (3) units discussed earlier this evening, this Board does not have the power to waive the setback and the Board can simply make this a condition prior to final approval. Mr. Andrews stated this was the subject of a Statement of Findings and this is not changing any of the underlying projects.

Mr. Simone stated he would like to take this opportunity to request a Resolution of Preliminary Approval for Site Development Plan.

Mr. LaColla made a motion that a Resolution of Preliminary Approval - Site Development Plan be prepared by Mr. Colsey for review at next Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

**REVIEW**  
**LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION**

Mr. Povall stated following the last meeting we were able to obtain the Lead Agency letters which were faxed back to Ms. Davis.

Mr. Povall stated a letter was received from the NYSDOT which indicated that they are not in favor of separate driveways for this property and they recommended the single driveway that would be shared. Mr. Povall stated they also indicated that there are some minor drainage concerns on the impact of the swale on Route 9D. Mr. Povall stated he did not have time to prepare an analysis but will provide one, he doesn't believe it will impact the swale. Mr. Povall stated they have numerous calls to the (OPRHP) Office of Parks, Recreation and Historic Preservation and have not been able to obtain a response as of today.

Mr. LaColla made a motion that the Board accept Lead Agency status for the Wick, Sovik and Hyatt Subdivision. Seconded by Mrs. Birney. Motion carried.

Mr. Andrews stated regarding archaeological, understanding the situation and understanding that most of what we are looking at has been previously disturbed and in this case it has the archaeological may not apply here.

**FINAL**

**REVIEW**  
**LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION**  
**(CONTINUED)**

Mr. Andrews stated the Board has a copy of the county GIS which was printed by Ms. Davis, and most of the property has been disturbed previously. Mr. Andrews stated that he doesn't believe we would be doing any disservice by not requiring an archaeological study.

Mr. Andrews stated the Board has a Resolution of Preliminary Approval which they cannot vote on until SEQRA is closed.

Mr. Andrews stated the Board had comments concerning the access to the lots in the rear. Mr. Andrews stated NYSDOT's letter basically says they agree with the one (1) shared driveway and having three (3) accesses on Route 9D is not recommended.

Mr. Andrews stated the issues the Board wrestled with are archaeological and access. Mr. Andrews stated there is no need to conduct a coordinated review and the Board has made this type of decision before regarding archaeological. Mr. Andrews stated it is up to the Board. Mr. Andrews stated OPRHP tends to hold up things now. Mr. Knips stated the one area has been dug up due to the farm and even if there was some idea of something on the site it's already been dug previously.

Mrs. Birney suggested a condition be put in the Resolution of Preliminary Approval which deals with the OPRHP. Mr. Andrews stated we can craft this language.

Mr. Andrews stated it has not been demonstrated as to whether the additional driveway can be constructed or not which a requirement of the Town Code. Mr. Andrews stated with a lot of disturbance to the site the driveways can be done but it would be pretty ugly.

Mr. Stenger asked if a condition can be included that a driveway cannot be put within the 50' and that it has to be part of the shared driveway. Mr. Volkman stated it can be put on the plat as a note.

Mr. Volkman stated there has to be a shared maintenance agreement for the shared driveway, whether they can obtain their own private access in the future will be an issue with the NYSDOT.

Mr. Povall stated once NYSDOT accepts this driveway entrance with the easement he finds it hard to believe that they will entertain a private driveway entrance permit. Mr. Andrews stated nothing with NYSDOT is cast in stone.

Mr. Andrews stated the Planning Board can impose conditions on a subdivision. Mr. Andrews asked if there is a way that a note can be put on the plat indicating that if a separate driveway is wanted that they have to come back before this Board. Mr. Volkman stated if we impose this requirement it will require them to come back before the Board for the private driveway.

Mr. Andrews stated in order to meet the requirements of the Town Code; Mr. Povall will need to submit documentation as to what difficulties would be encountered if separate driveways are constructed. Mr. Andrews stated the information can be provided but has not been provided as of today.

**REVIEW**  
**LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION**  
**(CONTINUED)**

Mr. Volkman stated this does not waive the issue with respect to not having access over your own property and having to obtain a variance to do that.

Mr. LaColla made a motion that the Board grant a Negative Declaration and that the Board leave room for reopening the archaeological with the OPRHP.

Mr. Povall stated he consents to the amendments to the Resolution of Preliminary Approval as discussed this evening.

Mr. Andrews stated condition number 3 should be amended to read Consent to File from Dutchess County Department of Health.

Mrs. Birney made a motion that the Board adopt the Resolution of Preliminary Approval for the Wick Sovik and Hyatt Subdivision as amended during the course of discussion this evening and that the Acting Chairman sign it. Seconded by Mr. LaColla motion carried.

Mrs. Birney made a motion to prepare Resolution of Final Approval for review at the August 25, 2005 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

**REVIEW**  
**VAN WYCK @ MERRITT PARK - SITE DEVELOPMENT PLAN**

Mr. Andrews stated Toll Bros. proposed a lighting district for the private road sections in their development and the Town Board has looked favorably on it. Mr. Andrews stated that the lighting was linked physically and electrically to some degree to the lighting along Merritt Boulevard. Mr. Andrews stated Central Hudson came back with a proposal and they more than doubled the street lighting budget, we can either reduce the number of lights or we can shed the cost and split over all the residents.

Mr. Andrews stated in reviewing the record there are really no alternatives. Mr. Andrews stated this is a residential road and if it is lit up like Route 9 you will start affecting the surrounding homes. Mr. Andrews stated the actual district formation effort has been churning and he has now finished the map plan and report.

Mr. Andrews stated this Board's resolution says you can't transfer property until the lighting district is formed and Toll Bros. is now in a position to transfer property. Mr. Andrews recommended the waiver and to allow Toll Bros. to transfer a number of up to 50. So moved by Mr. Stenger. Seconded by Mrs. Birney. Motion carried.

**FINAL**

**REVIEW**  
**ZBA REFERRAL - BLUE SEAL FEEDS - 1570 ROUTE 52**  
**GB (GENERAL BUSINESS) ZONING DISTRICT**

Mr. Knips stated that Blue Seal Feeds, the Applicant, is requesting a 34 S.F. variance to replace the existing sign with a 70 S.F. sign where 36 S.F. is the maximum allowed in the GB (General Business) Zoning District.

It was the consensus of the Board to offer the Greenway Compact Guidelines to the ZBA and to inform the ZBA that no colors were discussed or supplied in the application for variance. It was the consensus of the Board that they are not in favor of this sign.

**JULY 28, 2005 PLANNING BOARD MEETING MINUTES**

Mr. LaColla made a motion that the Board adopt the July 28, 2005 Planning Board Meeting Minutes as amended. Seconded by Mr. Stenger. Motion carried.

Mr. LaColla made a motion that the Board close 8:11 p.m. the meeting at p.m. Seconded by Mr. Stenger. Motion carried.

Respectfully submitted,

***Debbie Davis***

Debbie Davis  
Planning Board Secretary

Attachment to the original minutes

**FINAL**